

BOARD OF BARBERING AND COSMETOLOGY

INITIAL STATEMENT OF REASONS

Hearing Date: June 13, 2011

Subject Matter of Proposed Regulations: Passing Grades in Examinations

Section(s) Affected: Section 932, Title 16, California Code of Regulations.

Specific Purpose

Amend Section 932, Title 16, California Code of Regulations

The specific purpose of this proposed regulatory action by the Board of Barbering and Cosmetology (hereinafter "Board") is to set passing criteria for its licensing examinations.

Factual Basis/Rationale

Business and Professions Code Section 139 requires that the Board of Barbering and Cosmetology (Board) follow the policy of the Department of Consumer Affairs (DCA) for examination validation. The objective of this policy is to establish guidelines for the development and administration of job-related examinations. The DCA has established the Office of Professional Examination Services (OPES), formerly known as the Office of Examination Resources, as the designated office to oversee these functions including providing services for examination development, occupational analysis, standard setting, and program review and evaluation.

This proposed rulemaking amends Section 932 of Title 16 of California Code of Regulations to implement a recommendation made several years ago by OPES regarding the Board's examinations. That recommendation was for the Board to change its method of devising passing scores from aggregate scoring (in the case of the barber examination) and separate written/practical scoring (in the case of cosmetology, manicuring, esthetician and electrology) to a criterion-referenced scoring methodology for all examinations.

Under a criterion-referenced scoring methodology, passing scores would be determined for each examination by subject matter experts under the direction of OPES and the Board's examination contractor. The current scoring methodology doesn't take into

account that licensing examinations may vary in difficulty from one administration to another, and that a fixed passing score may not represent the minimally acceptable competence for all administrations of an examination. The proposed criterion-referenced methodology will allow for the passing score to be lower for a more difficult examination and raised for a less difficult examination. This will be beneficial to students by leveling the playing field with regard to the examination, and also safeguard consumers, who depend on the examination to determine if an applicant for licensure has the minimum skills required to perform his or her trade effectively and safely.

Underlying Data

- Board Minutes, dated January 21, 2011
- Report to the Joint Committee on Boards, Commissions and Consumer Protection: Assessing the Validity of Aggregate Scoring for Board Applicants, dated March 2005

Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.